

From: swingingclub
To: Microsoft ATR
Date: 1/4/02 12:20am
Subject: Microsoft settlement is just and fair

Dear Counsel:

I am please to hear that Microsoft, Inc. has agreed to reach a settlement with the US Justice Department. I do not feel it is in either parties interest to have protracted litigation in this anti-trust lawsuit. As we all know full well that litigation means time and expense of resources for all parties involved and no one wins and hard feelings are the end product.

At the beginning, and it is still my belief that Microsoft did not violate any anti-trust laws. Microsoft is a highly competitive company in its industry similar to Wal-mart. There is no law that prohibits a company from being competitive. When the matter is evaluated on the basis of economic of scales, the dynamics does favor Microsoft because of its unlimited intellectual resources to create and develop new technologies into the foreseeable future.

Microsoft should not be hindered by other companies who do not have the means to compete. Further, it has been wrongfully argued that Microsoft has prohibited other entities from competing in the computer industry by anti-competitive tactics. Most of the arguments are based on hypothesis which do not take into consideration the dynamics of economics. It can be safely argued that the companies who object to the settlement are less competitive than Microsoft. Those companies do not and will not ever have the resources that Microsoft has obtained through its creative skills.

Factually, each company that has opposed the settlement (Gateway, Inc.) is functioning on a less than favorable financial tread. Gateway has erroneously argued that the settlement will cause harm to the organization because the donation of computers to schools will cut into their business profits. Factually, Gateway financial problems started long before this proposed settlement was conceived. Someone need to review Gateway's financial sheet. In the financial community, Gateway has not met its profit projections of the last three quarters of last year. Its biggest rival is Dell Computer which is the reason why Gateway is having financial difficulty.

The US Department of Justice should look at the economic impact that a lawsuit against Microsoft will have on the US economy. It will not be favorable.

The nine or so state attorney generals that oppose the settlement should also take note of the fact that a lawsuit against Microsoft will most certainly impact the US economy negatively. I will argue that to oppose the proposed settlement is nothing less than a self-serving posture which amounts to greed. It appears that those states are seeking specific money compensation. This suit is unlike a tobacco law suits where human life was taken because of a defective product.

Microsoft has agreed in principle to stop practices which would cause other companies harm in competition. In addition, Microsoft has agreed to assist other organizations in competition. The states that opposed the settlement have not taken into consideration the good will and philanthropic generosity of the Gates Foundation which has given millions of dollars in charitable donations.

I would propose that in the event those states who continue to pursue the course of opposing the fair and just settlement of Microsoft has agreed to enter into with the US Justice Department should be cut off

from any form of grants or philanthropic gifts by the Gates Foundation and Microsoft.

I would suggest to the Honorable Court to accept the settlement agreement that the US Justice Department and Microsoft, Inc. have entered into on the basis that the settlement is fair and just for America. Protracted litigation should be avoided by any means necessary because it will be a waste of valuable resources.

Respectfully submitted,

Thomas P. Johnson, III